

REMARKS

The Office Action dated December 27, 2005, has been received and reviewed.

Claims 1-44 are currently pending and under consideration in the above-referenced application, each standing rejected.

Reconsideration of the above-referenced application is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-44 stand rejected under 35 U.S.C. § 102(e) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 6,962,289 to Vatan et al. (hereinafter "Vatan.").

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The disclosure of Vatan relates generally to three-dimensional imaging techniques and apparatus. Several sections of the extremely lengthy disclosure of Vatan have been relied upon in the rejections that have been presented in the outstanding Office Action. None of these sections expressly or inherently describes a programmable material consolidation apparatus or a selective material consolidation system.

It has been asserted that Vatan, at col. 54, lines 38-47, describes a selective material consolidation system configured to form an object. Office Action of December 27, 2006, page 2. It is respectfully submitted that Vatan does not expressly or inherently describe a selective material consolidation system at col. 54, lines 38-47, or elsewhere.

Instead, the description provided at col. 54, lines 38-47, of Vatan, is limited to a method for assembling a so-called "miniature planar laser illumination module," or miniature "PLIM," which is a semiconductor device that emits laser light. The method that is described at col. 54, lines 38-47, merely includes "aligning and mounting a micro-sized cylindrical lens array upon a linear array of surface emit lasers (SELs) formed on a semiconductor substrate." The disclosure

at col. 320, lines 20-38, of Vatan is likewise directed to a method for aligning and mounting lenses to SELs. Neither alignment nor mounting is necessarily selective material consolidation.

Col. 320, lines 20-38, of Vatan also mentions that the resulting miniature PLIM may be used in a 3-D imaging system, in conjunction with a CCD image detector. At col. 323, lines 58-65, Vatan explains that the PLIM may be positioned (presumably adjacent to a CCD image detector and “in optical isolation” therefrom) so as to direct laser light into a planar field of view of a CCD image detector, thereby illuminating the field of view. *See also* col. 347, lines 23-42. The scanning element may be oscillated transversely relative to a plane of the field of view (*i.e.*, along a z-axis) to provide the third dimension, which is required for the scanning to be in 3-D. Col. 324, lines 1-7.

When a bar code-bearing object passes through the illuminated field of vision of the CCD image detector, the bar code may be detected by the CCD image detector and various components and associated programming that communicate with the image detector are used to “recognize” the bar code. Col. 328, line 41, to col. 329, line 13.

Nowhere does Vatan expressly or inherently describe an imaging system that includes a selective material consolidation system.

Moreover, Vatan lacks any express or inherent description of a support element upon which an object may be fabricated or upon which a substrate may be positioned so that an object may be fabricated on the substrate.

As such, Vatan does not anticipate the programmable material consolidation apparatus of any of independent claims 1, 21, or 31, as would be required to maintain the 35 U.S.C. § 102(e) rejections of these claims.

Claims 2-20 are each allowable, among other reasons, for depending directly or indirectly from claim 1, which is allowable.

Each of claims 22-30 is allowable, among other reasons, for depending directly or indirectly from claim 21, which is allowable.

Claims 32-44 are each allowable, among other reasons, for depending directly or indirectly from claim 31, which is allowable.

Withdrawal of the 35 U.S.C. § 102(e) rejections of claims 1-44 is respectfully solicited.

CONCLUSION

It is respectfully submitted that each of claims 1-44 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brick G. Power". The signature is fluid and cursive, with the first name "Brick" being more prominent.

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